

**FIRST AMENDMENT TO
AGREEMENT
BETWEEN
THE CITY OF SAN JOSE
AND
1ST ACT SILICON VALLEY
FOR THE DESIGN AND CONSTRUCTION OF
RECREATIONAL IMPROVEMENTS TO
PARQUE DE LOS POBLADORES AND SOUTH FIRST STREET
BETWEEN WILLIAMS STREET AND REED STREET**

This FIRST AMENDMENT TO AGREEMENT is entered into this ____ day of _____, 2013, by the CITY OF SAN JOSE ("City"), a municipal corporation of the State of California, and, 1st ACT SILICON VALLEY, a California non-profit corporation ("1st ACT").

RECITALS

WHEREAS, on June 29, 2012, City and 1st ACT entered into an agreement entitled "Agreement Between the City of San José and 1st ACT Silicon Valley for the Design and Construction of Recreational Improvements to Parque De Los Pobladores and South First Street between Williams Street and Reed Street" ("AGREEMENT"); and

WHEREAS, 1st ACT agreed under the AGREEMENT to constructe the Recreational Improvements to Parque De Los Pobladores and South First Street between Williams Street and Reed Stret at no cost to the City; and

WHEREAS, during the contruction of the Recreational Improvements the City determined that the installation of three (3) electroliers as part of the construction of the Recreational Improvements would greatly benefit the City and public;

WHEREAS, the three (3) electroliers were installed as a part of the Recreational Improvements with the understanding that City will reimburse 1st ACT in the amount of seventeen thousand nine hundred and sixteen dollars (\$17,916.00); and

WHEREAS, City and 1st ACT desire to amend the AGREEMENT to provide for reimbursement by the City for the installation of the three (3) electroliers;

NOW, THEREFORE, the parties agree to amend the AGREEMENT as follows:

SECTION 1. Notwithstanding any other provision in the AGREEMENT, the City agrees to reimburse 1st ACT for the installation of three (3) electroliers as part of the Recreational Improvements in an amount not to exceed Seventeen Thousand Nine Hundred Sixteen Dollars (\$17,916.00).

SECTION 2. All of the terms and conditions of the original AGREEMENT not modified by this First Amendment shall remain in full force and effect.

WITNESS THE EXECUTION HEREOF on the day and year first written above.

"CITY"

APPROVED AS TO FORM:

CITY OF SAN JOSE, a municipal corporation

JOHNNY V. PHAN
Sr. Deputy City Attorney

By _____
TONI J. TABER, CMC
Acting City Clerk

"1st ACT"

1st ACT SILICON VALLEY, a California non-profit corporation

By _____
Name: _____
Title: _____